

REMARKS/ARGUMENTS

Claims 21-25, 27-34 and 36-41 are pending. Claims 1-20, 26 and 35 are cancelled. No admission or representation is made by the present argument other than that explicitly provided herein.

Claim Rejections

Claims 21-24, 29, 30, 33, 38 and 39 stand rejected under 35 USC 103(a) over U.S. Publication No. 2002/0160817, hereinafter "Salmimaa," in view of Nokia 9210 Communicator, hereinafter "Nokia."

Salmimaa applies only to the larger screen of Nokia

In the Response to Arguments, the Examiner admits that the Nokia Communicator has a larger and a smaller screen - the larger interior display shown when the interface is opened, and the smaller exterior display shown when the interface is closed - and that the figures in Salmimaa show the larger screen. However, the Examiner alleges that the teachings of Salmimaa are not limited to implementation on the larger screen of the Nokia Communicator. The Applicant respectfully disagrees. The figures in Salmimaa show icons being displayed on a screen that is clearly larger than that of the smaller screen on the Nokia Communicator shown on page 6 of Nokia. Further, the smaller screen on the Nokia Communicator is a very simple black and white pixelated display screen, as seen from the description on the cited website, which is attached as Appendix I. Clearly Salmimaa's detailed icons and any information provided by the icons would be impossible to show on the smaller screen of the Nokia Communicator.

The Examiner is asked to take into consideration the fact that the technology of Salmimaa and Nokia is substantially older than that of the present application, as evidenced by the fact that Salmimaa has a filing date of April 26, 2001, which is almost three years prior to the filing date of the present application, February 24, 2004. One skilled in the art would appreciate that wireless communication devices shrank substantially over the period from 2001 to 2004 and that the color and resolution of the

subsequent smaller displays also improved over this time. Salmimaa deals with technology in which small screen devices have very limited display capabilities, which is why Salmimaa is only concerned with the larger display on the Nokia Communicator. The Applicant submits that the Examiner is applying hindsight analysis and knowledge of what is available today to misinterpret what Salmimaa teaches in the context of the technology of 2001.

One skilled in the art would not modify Salmimaa to suit the smaller screen of Nokia

In the Response to Arguments, the Examiner alleges that it is within the scope of Salmimaa to render a smaller number of icons on the display, in order to fit within a small display. It is unclear on what basis the Examiner is making this allegation. Nowhere in Salmimaa does it suggest that the number of icons displayed may be modified or that the display may show only a subset of all available icons. Indeed, as the Examiner notes, paragraph [0004] of Salmimaa presents the problem of interest as being “how to maximize the number of icons and other graphical symbols on the display of such devices without making the symbols too small to see” (emphasis added). Reducing the number of icons displayed clearly would be contrary to the intended goal of maximizing the number of icons. Indeed, the stated purpose of Salmimaa is to provide a method by which less relevant icons may be decreased in size so that a large number of icons may be displayed without making relevant icons too small to see, for example as stated in paragraph [0013]: “The invention allows the most important objects or icons to be shown in full size for easy access, while still allowing dozens of icons or objects to be displayed on a single display screen” (emphasis added). The Applicant thus submits that there is nothing in Salmimaa that supports the Examiner’s position. Indeed, one skilled in the art reading Salmimaa would be taught away from the Examiner’s suggested modification. Even if the number of icons to be rendered on the display is decreased, the simple black and white pixelated display of the Nokia Communicator would make such a rendering impossible, as explained above. A person skilled in the art thus would not attempt to apply the teachings of Salmimaa to the smaller screen of the Nokia Communicator, contrary to the Examiner’s allegations.

The Examiner cites Figure 2 of Salmimaa as seeming to show a row of icons displayed on the screen of a PDA. It is not clear what argument the Examiner is attempting to support by the citation of Figure 2. The present application describes a wireless telephone as an example of a small screen device (see paragraph [0003]). The amount of detail shown in Figure 2 and the small font of the text displayed would not be readable on the smaller screen of the Nokia Communicator.

The interior screen of Nokia is not equivalent to a small display as claimed

The Applicant submits that "small display" as claimed must be given its proper interpretation within the meaning of the present application. The Background section of the application presents wireless telephones as examples of devices having small displays. The Examiner has pointed to the Nokia Communicator, in its closed configuration, as an example of a wireless telephone, for example as shown on page 6 of Nokia. In the closed configuration, the Nokia Communicator only shows a smaller exterior screen, which, as explained above, is not suitable for applying the teachings of Salmimaa. The Examiner suggests that the larger interior screen, accessible only when the Nokia Communicator is opened, may be considered a small display in the sense of the present claims. However, when the Nokia Communicator is opened, it is no longer in the form of the wireless telephone shown on page 6 of Nokia and cannot be held and used as a wireless telephone in the manner shown. Nokia thus clearly does not teach or suggest that the larger screen, accessible only when the Nokia Communicator is opened, may be a small display, such as one suitable for a wireless telephone, in the sense of the present application, contrary to the Examiner's allegations.

In alleging that the larger interior screen of the Nokia Communicator may be considered equivalent to the claimed small display, it appears that the Examiner is attempting to combine features of the larger interior screen of the Nokia Communicator with features of the smaller exterior screen of the Nokia Communicator. In doing so, the Examiner has overlooked the clear differences in functions and capabilities of the two.

The smaller screen is designed to fit on the exterior of the closed Nokia Communicator while still allowing space for a telephone dial pad. The smaller screen has a coarse resolution and is limited in the information it is able to display. In contrast, the larger screen is viewed when the Nokia Communicator is opened, and because a full keyboard is provided on the bottom half, the larger screen is able to essentially take up all the area of the upper half. The larger screen has a much finer resolution that, together with its larger size, permits the display of icons and information, which is not possible on the smaller display. Thus, the smaller screen of the Nokia Communicator is not suitable for carrying out the functions of the larger screen.

The larger screen of the Nokia Communicator is able to take up all the area of the upper half of the opened device because the input mechanism, that is, the keyboard, is provided in the bottom half of the opened device. When the Nokia Communicator is closed, the screen and the input mechanism, that is, the telephone dial pad, must share the same surface area, necessitating a smaller screen. The larger interior screen cannot be used as the exterior screen because it would leave no space for any input mechanism, and decreasing the size of the larger screen to fit as the exterior screen would render the icons and information too small to see. Thus, the larger screen of the Nokia Communicator is not suitable for carrying out the functions of the smaller screen.

As such, the Applicant submits that a person skilled in the art would not consider the larger screen of the Nokia Communicator to be equivalent to the small display presently claimed.

Combination of Salmimaa with Hellebust is improper

In the Response to Arguments, the Examiner maintains that it is proper to combine Salmimaa with Hellebust because the two are both related to mobile communication devices, receiving messages and displaying summarized information regarding the messages. The Examiner alleges that one could be motivated to modify Salmimaa with Hellebust to give Salmimaa the capability to further classify and

categorize the received messages and to indicate the number of messages received related to a specific application.

While Salmimaa and Hellebust may be concerned with presenting information about received messages to the user, the two take two very different approaches. Salmimaa teaches modifying the icons by changing their size, color and location on the display (paragraphs [0013], [0027], [0028]) based on the priority of the message or service associated with the icon. Thus, the user is alerted to more relevant messages or services by the modified appearance of the icon. Hellebust is not concerned with modifying an icon in any way, but rather filtering received messages so that a user is only alerted to high priority messages. Hellebust simply teaches that an icon or alert may be newly displayed for high-priority messages, and nothing is displayed for low-priority messages. The user is not provided with a visual cue of relative priorities, and in fact is not even notified of low-priority messages.

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959); M.P.E.P. § 2141.01 VI.

Clearly, the principle of operation of Salmimaa is completely different from that of Hellebust. While Salmimaa provides a visual ranking of icons based on their relevance, Hellebust does no such ranking and only shows high-priority messages. Salmimaa aims to maximize the number of icons shown on the display, while Hellebust aims to minimize the number of icons shown. Thus, the two are contrary to each other and a person skilled in the art would not find it obvious to combine the two in the manner suggested by the Examiner.

Combination of Salmimaa with Hellebust does not arrive at the present claims

Even if Salmimaa were to be combined with Hellebust, the combination would not result in the features of the present claims. The present claims recite “visually modifying the respective application icon to display a preview.” The Examiner notes that

Salmimaa teaches changing the appearance of a personal icon is an email was received from that person. However, Salmimaa does not teach modifying an icon to display a preview, as required by the present claims. The Examiner cites paragraph [0035] as teaching that messages such as advertisements or emails may be received and displayed by Salmimaa. However, Salmimaa is silent as to how these messages may be displayed, and paragraph [0037] only describes how received messages may be used to determine the ranking of the icons. As shown in Figure 1, any detailed information is appended to the icon, rather than as a visual modification of the icon, as required by the present claims.

The Examiner cites paragraph [0038] as disclosing that a magnifying glass allows the user to move over the icons to depict further information, and alleges that this further information would be associated with the message received relating to the specific icon. However, this is unrelated to visually modifying the icon, and is only another instance of appending a context bar to the icon, as explained in paragraph [0031] of Salmimaa: “By moving the magnifying glass over an icon, a text message explaining or identifying the selected icon can be displayed at the bottom of the screen” (emphasis added). Clearly, when information of any detail is provided, the icon itself is not modified, as presently claimed. Hellebust similarly does not teach any modification of an icon to display a preview.

A display of the message itself, as taught by Hellebust, will typically be quite lengthy and result in a large text box. As such, applying the preview of Hellebust to the text box of Salmimaa would result in a large text box containing the preview that is appended to the icon, however the icon itself is not modified to display the preview. Such a text box may be acceptable in a large display, such as that shown in Figure 1 of Salmimaa, however it would be too large for a small display, such as on a wireless telephone, and would obscure much of the small display.

In this regard, even if the teachings of Hellebust were applied to the teachings of Salmimaa in the way suggested by the Examiner, the result would fail to arrive at presently claimed subject matter. The result of such a combination would be different

from the present claim, in which the icon is modified to display a preview and thus keeps the preview space as compact as possible, to accommodate the small display, for example as shown in Figure 8 of the present application. This is not achieved by a combination of Salmimaa and Hellebust.

The Applicant submits it would not be obvious to a person skilled in the art to combine Salmimaa and Nokia with Hellebust. Even if such a combination were attempted, the claimed features of a small display and modifying an icon to display a preview of a content of a new event are not taught or even suggested by Salmimaa, Nokia or Hellebust, whether taken individually or combined. These two features together create a synergism that is not achieved by applying the teachings of Hellebust to that of Salmimaa. As such, the present claims, all of which include these features, are all novel and unobvious over Salmimaa, Nokia and Hellebust.

Favourable reconsideration and allowance of the application are respectfully requested. Should the Examiner have any questions in connection with the Applicant's submissions, please contact the undersigned.

Respectfully submitted,

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APPENDIX I

Attached is a print out from the website for the Nokia 9210 Communicator
(http://www.nokia.com/EUROPE_NOKIA_COM_3/r2/support/tutorials/9210i/english/intro.html) cited by the Examiner.



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